



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

THE REVISION OF STATUTE LAW

BY HON. HERMAN L. EKERN

Speaker of the Wisconsin Assembly

From the standpoint of the reviser, our statute law may, among other things, be criticised for:

1. Unnecessary duplication.
2. Lack of uniformity in sections dealing with the same or similar subjects.
3. Lack of uniformity in the sense in which the same word or phrase is used.
4. Excessive length of sections and want of paragraphing within sections.
5. Lack of classification and arrangement.
6. The intermingling of general with special, local or temporary laws.
7. Defective indexing.

Under any plan for the revision of the statutes, the work must be approved by the legislature. A revision of the statutes has meant a periodical rewriting, rearrangement and condensation of the previous revision and the subsequent session laws. Immediately after the publication of the revision, and sometimes before, the legislature would proceed to undo the work as rapidly as possible. New laws were enacted with but little reference to the existing laws. There was no attempt at classification or arrangement or to follow any methods adopted in the writing of the revision. A periodical revision hardly ever contains more than a part of our statute law and leaves a large gap between each revision to be filled in with undigested session laws.

The question arises whether the legislature itself can not be expected to do something to remedy this defect.

During the last session of the legislature of Wisconsin, a rule was enforced requiring that every bill, excepting one of a local or temporary nature, should designate the number of the section or sections which it proposes to amend or create.

A committee passed upon the bills before they were read. This committee to some extent coöperated with a department established

at the same session for the purpose of aiding members in the drafting of bills. As a result, the bills introduced assigned to each section numbers corresponding with the classification of the existing statute. Card indexes were kept showing the bills affecting each section. It became easy to learn what bills were introduced on any subject. Much duplication was avoided. At the close of the session the new session laws were printed by the secretary of state, arranged numerically by subjects according to the classification of the last revision of the statutes.

The same rule prescribed a short and concise form for bills and also required the printing of a weekly bulletin showing the exact status of each bill in both houses. Late in the session the rules were further amended to require that paragraphs within sections should be numbered and that no paragraph or section not subdivided into paragraphs should exceed fifteen lines in length.

It has been suggested that the department having charge of the drafting of bills and acting as an aid to the legislative committee which passes upon bills, should be made permanent, and that there be assigned to it the indexing of the laws and the preparation of plans for the improvement of the form and arrangement of portions of the statutes.

In this manner a gradual improvement of our statute law might be worked out according to a definite and continuous plan and approved by the legislature step by step. Each session of the legislature would then merely bring the revision of the statutes down to date, and at its end, the printer's forms might be closed and a complete new statute printed whenever desired.

The work so far leaves much to be desired. It is only a beginning but even now it will be practicable at the close of our next session of the legislature in Wisconsin, to reprint as much of the laws of the session of 1907 as remains unchanged, together with the enactments of 1909 properly arranged in one volume, and do away with any use of the volume of the laws of 1907. Such arrangement will have been the deliberate act of the legislature in doing its own revision. The same process can be repeated at the end of each session until it is thought advisable to print a complete new volume of the statutes. Thus, a person using the statutes will never have occasion to refer to more than the last volume of printed statutes and the last session law, no matter what number of sessions of the legislature have intervened since the printing of the last complete statutes. Is there not

reason to believe that with the assistance of a permanent department, the objections enumerated above, and perhaps others, may be gradually eliminated and the nightmare of periodical revisions and endless session laws done away with?